IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

M.P.No. 1980 of 1991

Bastar Kshetriya Gramin Bank, Jagdalpur,
Hatkachora, Jagdalpur, Distt. Bastar,
through Chairman .... Petitioner

Versus

2. Bhajendra Nath Mathur, resident of village
Kasturi, P.O. Nagarnar, Tehsil Jagdalpur,
Distt. Bastar. ....

1. Central Government Industrial Tribunal-
Cum-Labour Court, Amanpur, Jabalpur. ... Respondents

Petition under Art. 226 & 227 of the Constitution of India for a writ in the nature of certiorari, mandamus, etc. etc.

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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 1988 of 1991

Petitioner	Bastar Kshetriya Gramin Bank, Jagdalpur
	Versus
Respondents	Bhajendra Nath Mathew & another

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri Prafull Bharat, Advocate for the petitioner.
Shri P. S. Koshy, Advocate with Shri Vinod Deshmukh, Advocate for the respondent No. 1.

ORDER

(17th November, 2006){

The following order of the Court is passed by Justice **Satish K. Agnihotri**.

1. The present writ petition impugns the award dated 19.11.1990 (Annexure P/15) and the order dated 26.4.1991 (Annexure P/18), whereby the application of the petitioner for setting aside ex-parte award dated 19.11.1990 was rejected.

2. I have gone through the award dated 19.11.1990 and the order dated 26.4.1991. On perusal of the award, it appears that the Tribunal has not considered the letter dated 30.9.1983 of the respondent No.2/employee and the subsequent letter dated 30.9.1983 issued by the Branch Manager, despite noticing the said facts as recorded in para 5 of the award.

3. Having regard to the facts and circumstances of the case, the award dated 19.11.1990 and the order dated 26.4.1991 are set aside and the matter is remitted back to the Tribunal for

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adjudication of the dispute afresh after affording proper opportunity of hearing to both the parties. The Tribunal is further directed to consider and dispose of the application within a period of three months from the date of receipt of the copy of this order.

4. The parties are at liberty to file all the relevant documents before the Tribunal. The parties are further directed to remain present before the Tribunal on 4th December, 2006.

5. Accordingly this petition is allowed. The office is directed to send the copy of a order along with papers of the case to the Tribunal, forthwith.

Sd/-
Satish K. Agnihotri
Judge

Thakur